

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

11.1 ACRES OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE OF
TEXAS; AND THE CITY OF RIO
GRANDE CITY, TEXAS, ET AL.,
Defendants.

§
§
§
§
§
§
§
§
§

CASE NO. 7:20-CV-416

**JOINT STIPULATION FOR REVESTMENT AND
MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiff United States of America and Defendant City of Rio Grande City, Texas, do hereby stipulate to the revestment of interests taken in Tracts RGV-RGC-6028 and RGV-RGC-7006-1 as described in Schedules “C”, “D”, and “E” of the Declaration of Taking (Dkt. No. 2).

The parties further stipulate and agree as follows:

A. Background

1. On December 17, 2020, Plaintiff United States of America (“United States”) filed a Declaration of Taking (Dkt. No. 2) and Complaint in Condemnation (Dkt. No. 1) to acquire 11.1 acres in fee identified as Tracts RGV-RGC-6028 and RGV-RGC-7006-1. On January 13, 2021, the United States deposited its estimated just compensation for Tracts RGV-RGC-6028 and RGV-RGC-7006-1. *See* Dkt. No. 6. Pursuant to 40 U.S.C. § 3114(b)(1), upon deposit of the estimated just compensation, title to Tracts RGV-RGC-6028 and RGV-RGC-7006-1 vested in the name of the United States by operation of law on January 13, 2021.

2. The United States does not have possession of Tracts RGV-RGC-6028 and RGV-RGC-7006-1; no possession order has ever been issued.

3. The Parties agree that Defendant City of Rio Grande City, Texas, is the sole owner of the interests acquired in Tracts RGV-RGC-6028 and RGV-RGC-7006-1.

B. Stipulation of Revestment

4. Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.

5. The United States and Defendant City of Rio Grande City, Texas, jointly stipulate and agree that all right, title, and interests acquired by the United States associated with or appurtenant to Tracts RGV-RGC-6028 and RGV-RGC-7006-1 are hereby REVESTED back to Defendant with all title and rights as existed immediately before the filing of the Declaration of Taking and title vesting in the United States.

6. Defendant hereby agrees to accept such REVESTMENT of Tracts RGV-RGC-6028 and RGV-RGC-7006-1.

7. The legal descriptions and surveys of Tracts RGV-RGC-6028 and RGV-RGC-7006-1 that are being REVESTED to Defendant are found in Schedule “C” and “D” of the Declaration of Taking (Dkt. No. 2) and are attached hereto as Exhibits 1 and 2.

C. Stipulation Regarding Just Compensation and Motion for Final Judgment

8. The Parties further make a stipulation and move for final judgment and termination of this case as follows:

A. Upon the Court’s Order entering final judgment in accordance with the instant stipulation of revestment, the Parties seek immediate distribution of:

- The sum of \$42,325.00, with accrued interest, payable to the order of “F&A Officer, USAED, Fort Worth,” with the check referencing “Tracts RGV-RGC-6028 and RGV-RGC-7006-1.”¹

¹ The current Finance and Accounting Officer for the U.S. Army Engineer District, Fort Worth, is: Charanne Marshall, Finance and Accounting Officer, USACE, Fort Worth District, P.O. Box 17300, Room 3A37, Fort Worth, TX 76102.

B. Defendant warrants they were the sole owner of the interest in the property taken in this proceeding on the respective date of taking.

C. Defendant agrees to waive any and all claims for compensation of any nature against the United States arising from the United States' acquisition of the Subject Property.

D. The Parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.

E. The Parties shall take no appeal from any rulings or judgment made by the Court in this action, and the parties' consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulation.

F. This joint stipulation and motion is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendant.

G. The Parties request that the Court enter an Order of Final Judgment reflecting this Stipulation and closing this case.

Respectfully submitted,

FOR DEFENDANT:

By: s/ Jose "Pepe" Garza w/permission
Jose "Pepe" Garza
Law Office of Calixto Villarreal
SDTX No. 3392371
Texas Bar No. 24109913
205 West Main Street
Rio Grande City, Texas 78582
Telephone: (956) 487-3739
Email: jpgarza10@gmail.com
Attorney-in-Charge for Defendant

FOR PLAINTIFF:

JENNIFER B. LOWERY
Acting United States Attorney
Southern District of Texas

By: s/ N. Joseph Unruh
N. Joseph Unruh
Assistant United States Attorney
Southern District of Texas No. 1571957
Texas Bar No. 24075198
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
Facsimile: (956) 992-9425
E-mail: Neil.Unruh@usdoj.gov
Attorney in Charge for Plaintiff

and

s/ Chanmealea Thou
Chanmealea Thou
Assistant United States Attorney
SDTX No. 596627
California Bar No. 326469
11204 McPherson Road, Suite 100A
Laredo, Texas 78045
Telephone: (956) 721-4977
Facsimile: (956) 992-9425
E-mail: Chanmealea.Thou2@usdoj.gov
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, N. Joseph Unruh, Assistant United States Attorney for the Southern District of Texas, hereby certify that on September 29, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

s/ N. Joseph Unruh
N. JOSEPH UNRUH
Assistant United States Attorney